IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17817 of 2004

Between:

1 A.Ramulu S/o.Devaiah
Neredgum Village, Chandam Post and Mandal Nalgonda District.
2 Kathavath Devrja Naik
Rekulagadda Village, Chandam Post and Mandal Nalgonda District.

... PETITIONERS

AND

1 The Secretary, Social Welfare Department Government of Andhra Pradesh,

Secretariat, Hyderabad.
2 The Ex.Officio Superintending Engineer Tribal Welfare, 1st Floor
Telugu Sankshema Bhavan Masab Tank, Hyderabad.
3 Mr.Mohd.Qumuruddin Dy.Chief Engineer, Tribal Welfare
1st Floor, Telugu Sankshema Bhavan Masab Tank,Hyderabad.
4 K.Koteswar Rao, Managing Partner Krishi Constructions, Regd.Office

No.E-73,1st Floor, Madhuranagar College, Hyderabad.
5 V.Venkateswar Rao Managing Partner
Sri Sai Constructions, 16-1-486/C/4, Near M.V.S.R. Engineering College

Saidabad, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declare the action of the 2nd respondent in giving tender works to the respondents 3 and 4 disregarding all norms, which is against the public interest and which causes much loss to the Tribal Welfare Department as illegal, void and further direct the 5th respondent i.e Ex.Officio Superintending Engineer, Tribal Welfare, Hyderabad to call for fresh tenders canceling the old tenders and to see that Mr.Mohd Qumuruddin, Dy.Chief Engineer, Tribal Welfare, Hyderabad who is

responsible for occurrence large scale corruption and irregularities in allotting tender works, be dealt with severely and that he should not have any say or role in the retendering process and pass.

Counsel for the Petitioner: MR.Y.VENUGOPAL REDDY

Counsel for the Respondents 1 & 2: GP FOR SOCIAL WELFARE

Counsel for the Respondents 3 to 5: None Appeared

The Court at the admission stage made the following order:

ORDER:

The petitioner is the sarpanch of a village in Nalgonda District. He alleges that gross irregularities have been committed by the respondents 1 to 3 in allotting works to respondents 4 and 5 and violated all the norms and the rules for allotment of the work for excess amount ignoring the persons who filed their tenders for a lesser amount than the bid amount.

The petitioner contends that he made a representation to Lok Ayuktha of Andhra Pradesh on 01.12.2003 bringing all the irregularities to the notice of the Lok Ayuktha for necessary action and it was numbered as Complaint No.1426 of 2003. The grievance of the petitioner is that so far no action has been taken by the Lok Ayuktha on the complaint made by him regarding the irregularities in allotting works to the respondents 4 and 5. He, therefore, approached this Court seeking to declare the action of the second respondent in giving tender works to the respondents 3 and 4 disregarding all norms and against public interest causing loss to the Tribal Welfare Department as illegal and void and to direct the second respondent to call for fresh tenders. He further contends that the Tribal Welfare Department entrusted the work of construction of hostels to respondents 4 and 5 in various districts in the State.

Since the petitioner approached the Lok Ayuktha through a Complaint No.1426 dated 01.12.2003 the Lok Ayuktha might have initiated some action to verify the correctness of the contents of the complaint and the matter is pending with Lok

Ayuktha. During the pendency of the complaint before the Lok Ayuktha the petitioner approached this Court through this writ petition seeking the same relief, which he sought for before the Lok Ayuktha.

The petitioner is not directly concerned with the works entrusted by the respondent 1 to 3 to respondents 4 and 5. He is not one of the participants in the tenders. He did not file this writ petition in the form of Public Interest Litigation. The petitioner, therefore, cannot maintain this writ petition without any locus for the extraordinary relief under Article 226 of the Constitution of India. The petitioner is at liberty to make a further representation to the Lok Ayuktha and on making such a representation the Lok Ayuktha may verify whether any orders have been passed on the complaint of the petitioner dated 01.12.2003, if so, communicate the same to the petitioner. If no steps are taken on the complaint of the petitioner till now it is for the Lok Ayuktha to examine the same and pass appropriate orders whether it is a fit matter for probing or not.

The writ petition is accordingly dismissed. No order as to costs.

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Dr. G. YETHIRAJULU, J

October 4, 2004

Dsk

To

1 The Secretary, Social Welfare Department Government of Andhra Pradesh,

Secretariat,Hyderabad.

2 The Ex.Officio Superintending Engineer Tribal Welfare, 1st Floor
Telugu Sankshema Bhavan Masab Tank, Hyderabad.

3 Two CCs to GP For Social Welfare, High Court Buildings, Hyderabad

(OUT).

4 Two CD Copies.